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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,123

10/04/2004

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2802-34 (AMK)

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02/22/2010

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EXAMINER

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ART UNIT

PAPER NUMBER

3694

MAIL DATE

DELIVERY MODE

02/22/2010

PAPER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/510,123
Filing Date: October 04, 2004
Appellant(s): UNDERSTEIN, NORMAN

Alan M. Kagen
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 25, 2009 appealing from the Office action mailed March 24, 2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief (replaced 11/25/2009) is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0026396 A1	Dent	12-2000
2001/0034676 A1	Vasic	2-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims. The rejections are copied from the final office action mailed on March 24, 2009.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-9 and 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0026396 for Dent (Dent) in view of US Patent Application Publication 2001/0034676 for Vasic (Vasic).

With respect to claim 1

Dent teaches:

A method of processing funds between a transferor and a transferee, at least the transferor having a transferor deposit sub-account administered via a depository administrator, the depository administrator maintaining a master account at a financial institution, the method comprising:

(a) the transferor accessing the depository administrator via a global network (see par 40);

(b) the transferor requesting a transfer or hold of funds in the transferor deposit sub- account to or for the benefit of the transferee (see par 44, note that payment can be initiated, requested and approved to fellow users);

(c) if the transferee does not have a transferee deposit sub-account administered via the depository administrator, providing the transferee an opportunity to establish the transferee deposit sub-account (see par 45, note that non-users are invited to join); and

(d) the depository administrator processing the funds between the transferor deposit sub-account and the transferee deposit sub-account (see par 66, note that the transaction is posted to the payee's FSC account),

Dent does not explicitly teach:

- the sub-account features
- wherein each of the sub-accounts forms part of the master account such that a transfer of funds between sub-accounts does not affect a balance in the master account.

Vasic teaches:

- the sub-account features (see par 56)
- wherein each of the sub-accounts forms part of the master account such that a transfer of funds between sub-accounts does not affect a balance in the master account (see par 56, note that the structure taught by Vasic fairly suggests a lack of affect on the mater account under either of at least two interpretations. First, once the sub-account is funded by a transfer of funds from the mater account, any transfer of funds between the accounts would have no impact on the master

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account since the funds are transferred between sub-accounts.

Second, the relationship of master account to sub-account fairly suggests that the sum of the balances in the sub-account are attributable to the overall balance of the master account. As such, any transfer between sub-accounts would leave the balance in the master account unchanged).

It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Dent with the sub-account featured of Vasic in order to have maintained funds in the master account until the access to a sub-account has been requested by the employee as taught explicitly by Vasic, see par 56. Note that Applicant admits that the use of sub-account management systems are used by Financial Institutions (see Specification, pg 2, lines 8-11).

With respect to claim 2

Dent in view of Vasic teaches:

A method according to claim 1 (see rejection fo claim 1 above), wherein step (b) further comprises enabling the transferor to input an E-mail address of the transferee (see Dent par 106-107), and wherein the method further comprises alerting the transferee via E-mail that the transfer or hold of funds has been requested (see Dent par 105-107).

(See rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 3

Dent in view of Vasic teaches:

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A method according to claim 2 (see rejection of claim 2 above), wherein step (c) is practiced by the depository administrator comparing the transferee E-mail address with stored E-mail addresses of deposit sub-account holders to thereby determine whether the transferee has an existing transferee deposit sub-account (see Dent par 92-93 in combination with Dent par 99-101, note that a user is invited to enter their email address as their user_ID, note that a payer selects the user_ID in the course of initiating a payment, and the FTM determines whether the payee is an FTM user, thus fairly suggesting the claimed determination in so far as a selection of an email address by the payor from the list enables the FTM to determine whether the payee is an FSC user).

(See rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 4

Dent in view of Vasic teaches:

A method according to claim 3 (see rejection of claim 3 above), wherein if the transferee does not have a transferee deposit sub-account administered via the depository administrator, the step of alerting the transferee via E-mail further comprises providing a link to the depository administrator enabling the transferee to establish the transferee deposit sub-account (see Dent par 108-109 and fig 13).

(See rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 5

Dent in view of Vasic teaches:

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A method according to claim 3 (see rejection of claim 3 above), wherein if the transferee has a transferee deposit sub-account administered via the depository administrator, the step of alerting the transferee via E-mail further comprises providing a link to the transferee deposit sub-account (Dent in view of Vasic does not explicitly teach sending an email to a transferee with a sub-account, however, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have duplicated the email communication to non-FSC user feature for current FSC users in order to have alerted them to the transaction and provided a link to easily access the system as taught implicitly by Dent, see par 108-109 and fig 13, since the email informs the user of the transaction and provides a link by which to easily access the FSC system).

(See rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 6

Dent in view of Vasic teaches:

A method according to claim 1 (see rejection of claim 1 above), wherein step (d) is practiced by holding the funds in the transferor deposit sub-account until receiving confirmation that an event has occurred (see Dent par 123, note the authorization feature).

(See rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 7

Dent in view of Vasic teaches:

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A method according to claim 6 (see rejection of claim 6 above), wherein the confirmation that an event has occurred comprises confirmation by the transferor (see Dent par 123, note the authorization feature).

(See rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 8

Dent in view of Vasic teaches:

A method according to claim 6, wherein the confirmation that an event has occurred comprises confirmation of product delivery (see Dent par 123, note that the Authorization function, coupled with the dispute button fairly suggests that the authorization is meant to convey agreement on the part of the payor of the efficacy of the bill. Further Bills are presented for products or services.

Applicant's disclosure has failed to identify any particular utility to the confirmation of a product and, in fact, implies that either are confirmation of a product or service are variants when reading claims 8 in vie of 9. As such, the fact that the event is the confirmation of a product deliver is considered to be an obvious design choice and not afforded patentable weight so as to distinguish Applicant's invention over the prior art.).

(See rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 9

Dent in view of Vasic teaches:

A method according to claim 6 (see rejection of claim 6 above), wherein the confirmation that an event has occurred comprises confirmation of service

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completion (see Dent par 123, note that the Authorization function, coupled with the dispute button fairly suggests that the authorization is meant to convey agreement on the part of the payor of the efficacy of the bill. Further Bills are presented for products or services. Applicant's disclosure has failed to identify any particular utility to the confirmation of a service and, in fact, implies that either are confirmation of a product or service are variants when reading claims 8 in view of 9. As such, the fact that the event is the confirmation of a service deliver is considered to be an obvious design choice and not afforded patentable weight so as to distinguish Applicant's invention over the prior art.).

(See rationale supporting obviousness and motivation to combine of claim 1 above)

With respect to claim 11

Dent in view of Vasic teaches:

A method according to claim 1 (see rejection of claim 1 above), further comprising issuing automated teller machine (ATM) cards to holders of deposit sub-accounts, and enabling the transferor and transferee to deposit funds or withdraw available funds via their respective ATM cards (See Vasic, par 56-57).

It would have been further obvious to one having ordinary skill in the art at the time of Applicant's invention to have provided Dent with the ATM features of Vasic in order to have allowed a user to transfer funds linked to the ATM card as taught explicitly by Vasic (see par 57).

With respect to claim 12

Dent in view of Vasic teaches:

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A method according to claim 11 (see rejection of claim 11 above), further comprising, prior to step (a), the transferor depositing funds into the transferor deposit sub-account using the transferor's ATM card, and after step (d), the transferee withdrawing funds from the transferee deposit sub-account via the transferee's ATM card (see Dent par 101 in combination with Vasic, par 56-57. Note that Dent's teaching of determining that adequate funds are available implies that funds have been transferred into the account. Vasic's teaching of transferring funds via ATM fairly suggests deposit and withdrawal of funds using an ATM)

(See rationale supporting obviousness and motivation to combine of claims 1 and 11 above)

With respect to claim 13

Dent in view of Vasic teaches:

A method according to claim 11 (see rejection of claim 11 above), further comprising, after step (d), the transferee withdrawing funds from the transferee deposit sub-account via the transferee's ATM card (see Vasic par 56-57).

(See rationale supporting obviousness and motivation to combine of claims 1 and 11 above)

With respect to claim 14

Dent in view of Vasic teaches:

A method according to claim 1 (see rejection of claim 1 above), wherein the depository is a bank (see Dent par 14, note that the accounts may be traditional

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bank accounts. Note that the teaching of the 'proxy' functionality fairly suggests the equivalence of the financial accounts and bank accounts).

(See rationale supporting obviousness and motivation to combine of claims 1 above)

With respect to claim 15

Dent in view of Vasic teaches:

A method according to claim 1 (see rejection of claim 1 above), wherein the depository is a retail establishment (see Dent par 11, note that the system is directed to facilitating personal electronic financial transaction, fairly suggesting that the services are made available to individuals, thus fairly suggesting a retail establishment).

(See rationale supporting obviousness and motivation to combine of claims 1 above)

With respect to claim 16

Dent in view of Vasic teaches:

A computer system for processing funds between a transferor and a transferee, at least the transferor having a transferor deposit sub-account administered via a depository administrator, the depository administrator maintaining a master account at a financial institution, the computer system comprising:

at least one user computer running a computer program that enables the transferor to access the depository administrator to request a transfer or hold of funds in the transferor deposit sub-account to or for the benefit of the transferee (see Dent par 42); and

a system server running a server program (see Dent 52-56), the at least one user computer and the system server being interconnected by a computer network (see Dent par 40), the system server processing the funds between the transferor deposit sub-account and the transferee deposit sub-account (see Dent par 66, note that the transaction is posted to the payee's FSC account), wherein if the transferee does not have a transferee deposit sub-account administered via the depository administrator, the system server providing the transferee an opportunity to establish the transferee deposit sub-account (see Dent par 45, note that non-users are invited to join), wherein each of the sub-accounts forms part of the master account such that a transfer of funds between sub-accounts does not affect a balance in the master account (see Vasic par 56, note that the structure taught by Vasic fairly suggests a lack of affect on the mater account under either of at least two interpretations. First, once the sub-account is funded by a transfer of funds from the mater account, any transfer of funds between the accounts would have no impact on the master account since the funds are transferred between sub-accounts. Second, the relationship of master account to sub-account fairly suggests that the sum of the balances in the sub-account are attributable to the overall balance of the master account. As such, any transfer between sub-accounts would leave the balance in the master account unchanged).

(See rationale supporting obviousness and motivation to combine of claims 1 above)

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With respect to claim 17

Dent in view of Vasic teaches:

A computer program embodied on a computer-readable medium for processing funds between a transferor and a transferee, at least the transferor having a transferor deposit sub-account administered via a depository administrator, the depository administrator maintaining a master account at a financial institution, the computer program comprising:

means for the transferor to access the depository administrator via a global network (see Dent par 42);

means for the transferor to request a transfer or hold of funds in the transferor deposit sub-account to or for the benefit of the transferee (see par 44, note that payment can be initiated, requested and approved to fellow users);

if the transferee does not have a transferee deposit sub-account administered via the depository administrator, means for providing the transferee an opportunity to establish the transferee deposit sub-account (see Dent par 45, note that non-users are invited to join); and

means for the depository administrator to process the funds between the transferor deposit sub-account and the transferee deposit sub-account (see Dent par 66, note that the transaction is posted to the payee's FSC account), wherein each of the sub-accounts forms part of the master account such that a transfer of funds between sub-accounts does

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not affect a balance in the master account (see Vasic par 56, note that the structure taught by Vasic fairly suggests a lack of affect on the mater account under either of at least two interpretations. First, once the sub-account is funded by a transfer of funds from the mater account, any transfer of funds between the accounts would have no impact on the master account since the funds are transferred between sub-accounts. Second, the relationship of master account to sub-account fairly suggests that the sum of the balances in the sub-account are attributable to the overall balance of the master account. As such, any transfer between sub-accounts would leave the balance in the master account unchanged).

(See rationale supporting obviousness and motivation to combine of claims 1 above)

(10) Response to Argument

With regard to claim 1 there is nothing in Dent precluding transfers between sub-accounts. Vasic introduces the concept of sub-accounts since there is no functional reason that Dent will not work with Sub-accounts it can obviously function with sub-accounts. Therefore since making transfers between accounts using the method taught by Dent which includes financial institutions (see Dent paragraph 40) and sub-accounts that the applicant admits are used by financial institutions (See Specification, page 2 lines 8-11). Therefore it would have been obvious to make the invention using known methods.

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Dent [0040] FIG. 1 illustrates an example network 100 including an innovative financial service center 102, which enables any user of the financial service center to conduct financial transactions with other users and non-users alike. Network 100 is comprised of a number of network participants (i.e., users registered with the financial service center) including consumers 104(a) . . . (n), businesses 106(a) . . . (n), and **financial institutions** 108(a) . . . (n) each communicatively coupled to the financial service center via one or more networks 110 and 112. As shown, networks 110 and 112 are intended to represent a wide variety of networks and a wide variety of communication technologies. In this regard, networks 110 and 112 may well comprise, for example, public networks (Internet), private networks (enterprise wide area networks (WAN), data networks and communication networks (public switched telephony network (PSTN), cellular telephony network, and the like). In this regard, financial network 100 is intended represent a composite of any number of networks through which participants can access and benefit from the innovative services provided by financial service center 102. Due to the confidential nature of the information and transactions, however, security measures are taken when communicating over public networks. According to one embodiment, for example, when the user is communicating with the FSC 102 via the Internet, FSC 102 employs the well known secure HyperText Transfer Protocol (HTTPS).

With regard to claim 6 the authorization of payment using the payment button is receiving confirmation that an event has occurred. If the invention to be claimed is for placing and releasing holds on accounts it should not have claimed in the alternative making transfers since the claims can be read either way and in this case were interpreted for transfers where hitting the authorization button releases the funds held in the account. There is no where in the claims that a hold is required to be placed on a portion of the funds in the account so there is no reason to assume that funds being held in the

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sub-account have a hold on them but are simply an account in which funds are held until they are withdrawn in some way.

(11) Related Proceeding(s) Appendix

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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